

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM ZOLLER,

Plaintiff,

ANSWER

- against -

07 CIV. 10291(PKL)

THE CITY OF NEW YORK,

Defendant.

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Defendant, THE CITY OF NEW YORK, by its attorney MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, answers the complaint as follows:

1. Admits the allegations set forth in paragraph "1" of the complaint.
2. Admits the allegations set forth in paragraph "2" of the complaint.
3. Admits the allegations set forth in paragraph "3" of the complaint.
4. Admits the allegations set forth in paragraph "4" of the complaint.
5. Admits the allegations set forth in paragraph "5" of the complaint, except denies knowledge or information sufficient to form a belief as to the truth of the allegation that plaintiff was a member of the crew of Launch No. 5.
6. Denies the allegations set forth in paragraph "6" of the complaint.
7. Denies the allegations set forth in paragraph "7" of the complaint.
8. Denies the allegations set forth in paragraph "8" of the complaint.
9. In response to the allegations set forth in paragraph "9" of the complaint, defendant repeats and realleges the responses set forth in paragraphs 1-8 of this answer.
10. Denies the allegations set forth in paragraph "10" of the complaint.

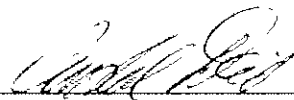
AFFIRMATIVE DEFENSES

11. The plaintiff fails to state a claim upon which relief can be granted.
12. The injuries and/or damages alleged to have been sustained by the plaintiff were caused in whole or in part by the culpable conduct of said plaintiff.
13. The plaintiff has failed to mitigate the injuries and/or damages alleged to have been sustained by plaintiff.
14. Where plaintiff seeks to recover damages pursuant to this action, any such costs or expenses from any collateral source shall reduce any judgment rendered in favor of plaintiff as against defendant.

WHEREFORE, defendant CITY OF NEW YORK demands judgment dismissing the complaint and awarding costs together with what other and further relief as the Court may deem just and proper.

Dated: New York, New York
January 30, 2008

By:



Anshel David (AD4295)
Assistant Corporation Counsel
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